



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
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NEW YORK, NY 10007-1866

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Mr. Ross J. Holden, Esq.
Executive Vice President & General Counsel
New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, New York 11101

Re: Preferred Citywide Remedy
Consent Agreement and Final Order TSCA-02-2010-9201

Dear Mr. Holden:

This letter concerns New York City's proposal for a Preferred Citywide Remedy, as described in the City's May 24, 2013 Summary Report, which was presented and discussed during the public meetings held in May and June 2014. The Preferred Citywide Remedy, as currently envisioned by the City, includes the following components.

- Implement the PCB Light Fixture Removal Program.
- Implement the protocol to inspect and respond to ballast issues.
- Implement Best Management Practices.
- Inspect and remediate caulk as necessary (for example, remove and replace, patch and repair, or encapsulate).
- Inspect and maintain ventilation systems per design.
- Remove caulk during Capital Improvement Program (CIP) Projects under EPA-approved construction protocols.
- Evaluate, excavate & replace soil associated with the CIP.
- Implement the Long-Term Monitoring Program in the Pilot Schools.
- Perform additional studies to determine next steps.

As provided for in the January 19, 2010 Consent Agreement and Final Order between the United States Environmental Protection Agency (EPA) and the City, EPA may revise the Preferred Citywide Remedy based on recommendations and comments received from the independent peer review panel and the public, as well as the City's follow-up responses.

It is the position of EPA Region 2 that the most effective approach for addressing PCBs in the City's schools includes components for prioritizing schools, identifying and removing PCBs regulated under the Toxic Substances Control Act, sampling indoor air to determine if PCB concentrations exceed the Agency's public health levels (with subsequent track-down and remediation of PCB sources as necessary), and optimizing ventilation. These components are described in detail below.

Identify and Remove PCBs Regulated under the Toxic Substances Control Act: All materials with PCBs at or above 50 parts per million should be identified to the EPA and must be removed within a pre-established timeframe. Furthermore, the City should provide ongoing notification to the EPA as new areas are identified and removed.

Prioritize Schools for Investigation: School prioritization should be based on the age of the building, the grade levels served, the prior use of PCB ballasts and the history of light ballast failures, the condition of the ventilation system(s), and the known levels of PCBs (for example, from sampling of caulk related to prior construction projects).

Optimize Ventilation: Ventilation should be optimized within a pre-established timeframe, starting with the highest priority schools. Furthermore, air exchange studies should be performed to determine the extent of ventilation improvement needed.

Perform Indoor Air Sampling in the Prioritized Schools: In order to determine whether there are exceedances of the Agency's public health levels, air sampling should be performed (within a pre-established timeframe) in representative locations. The air sampling should focus on the highest priority schools that have inadequate ventilation, and should be performed using currently-validated sampling and analytical methods.

Address PCBs Identified through the Indoor Air Sampling: If the results of the air sampling described above show exceedances of the Agency's public health levels, the source(s) of the PCBs should be identified and remediated. Follow-up air sampling should then be performed to verify the effectiveness of the remedial activities.

We believe these modifications are crucial for ensuring the health and safety of the school community and should be incorporated into the Preferred Citywide Remedy.

If possible, please provide a response within 30 days of your receipt of this letter. If you have any questions, please contact Mr. James Haklar at 732-906-6817 or at haklar.james@epa.gov.

Sincerely yours,



John Gorman, Chief
Pesticides and Toxic Substances Branch

cc: John O'Connell Jr., New York City School Construction Authority
Alex Lempert, New York City School Construction Authority